

# COMMON COUNCIL MEETING MINUTES

MONDAY, MAY 15, 2006 – 6:00 P.M.  
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

## MEMBERS PRESENT:

Mayor James Brainard, Council President Richard L. Sharp, Council Members Kevin Kirby, Joseph C. Griffiths, Fredrick J. Glaser, Ronald E. Carter, Mark Rattermann, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Lois Fine.

Councilor Brian D. Mayo was not in attendance.

Mayor Brainard called the meeting to order at 6:03 p.m.

Pastor Luther Brunette, Carmel Lutheran Church, pronounced the Invocation.

Mayor Brainard led the Pledge of Allegiance.

## RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:

There were none.

## APPROVAL OF MINUTES:

Councilor Griffiths made a motion to approve the Minutes of the May 1, 2006 Regular Meeting. Councilor Glaser seconded. There was no Council discussion. Council President Sharp called for the question. The Minutes were approved 6-0.

## RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:

Wayne Wilson, 24 Wilson Drive, Carmel, IN 46032, addressed the Council regarding concerns with Ordinance D-1806-06 (Bond for road projects).

## COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:

Councilor Rattermann reviewed with the public and members of the audience how to log on to the City web site and review the City Council paperless packets.

Councilor Carter, Councilor Glaser, Council President Sharp and Mayor Brainard all commented on the Bond issue (Ordinance D-1806-06) that was discussed by Wayne Wilson.

## ACTION ON MAYORAL VETOES:

There were none.

## **CLAIMS:**

Councilor Griffiths made a motion to approve the claims in the amount of \$943,008.51. Councilor Carter seconded. There was no Council discussion. Council President Sharp called for the question. Claims were approved 6-0.

## **COMMITTEE REPORTS:**

Councilor Rattermann reported that the Finance, Administration and Rules Committee met this evening. They discussed Ordinance D-1799-06 which will remain in committee. The committee is recommending changing their meetings to the second Wednesday of every month at 4:00 p.m. The Clerk-Treasurer's office will check the City calendar and advise Councilor Rattermann.

Councilor Glaser reported that the Land Use, Annexation and Economic Development Committee met on Thursday, May 10, 2006 and discussed Ordinance Z-488-06 which was sent to the full Council with a favorable recommendation, Ordinance Z-489-06 which will remain in committee, Ordinance Z-490-06 which was sent to the full Council with a favorable recommendation, and Ordinance D-1803-06 which was sent to the full Council with a 2-1 favorable recommendation.

Councilor Carter reported that the Parks, Recreation and Arts Committee met on Tuesday, May 9, 2006 and discussed the Central Park progress and the Monon covenants. The next meeting will be on Tuesday, June 13, 2006.

Councilor Kirby reported that the Utilities, Transportation and Public Safety Committee had not met.

## **OLD BUSINESS**

**Fourth Reading of Ordinance D-1799-06;** An Ordinance of the Common Council of the City of Carmel, Indiana, Pertaining to Bidding on Certain Public Works Projects (Section 2-183, Immediate Family Bidding Restriction On Public Works Projects); Sponsor(s): Councilor(s) Glaser and Sharp. (Remains in the Finance Committee).

Council President Sharp announced the **Third Reading of Ordinance D-1802-06;** An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division II, Section 2-62 of the Carmel City Code (Procedure For Use of City Credit Cards). Councilor Rattermann reported that this ordinance was sent to the full Council with a 2-0 favorable recommendation from the Finance Committee. There was no Council discussion. Council President Sharp called for the question.

**Ordinance D-1802-06** was adopted 6-0.

Council President Sharp announced the **Second Reading of Ordinance D-1803-06;** An Ordinance of the Common Council of the City of Carmel, Indiana, Adopting a Property Maintenance Code. Councilor Carter made a motion to adopt amended VERSION A May 12, 2006. Councilor Kirby seconded. There was no Council discussion. Council President Sharp called for the question. The motion was approved 5-1 (Councilor Rattermann opposed). There was brief Council discussion. Council President Sharp called for the question. **Ordinance D-1803-06, As Amended**, was adopted 4-2 (Councilors Griffiths and Rattermann opposed).

Council President Sharp announced the **Second Reading of Ordinance D-1805-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Providing for an Additional Appropriation of Funds from the Operating Balance of the City of Carmel General Fund (\$325,000), MVH Fund (\$450,000), Police Pension Fund (\$15,308) and Fire Pension Funds (\$74,677). There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1805-06** was adopted 6-0.

**Second Reading of Ordinance D-1806-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Approving a Lease for Certain Public Improvements Between the City of Carmel Redevelopment Authority and the City of Carmel Redevelopment Commission, Pledging County Option Income Tax Revenues of City to Pay Certain Lease Rental Obligations Thereunder, and Taking Other Actions Related Thereto (\$6,100,000). Sponsor(s): Councilor(s) Carter, Sharp, Griffiths and Mayo. (Remains in the Finance Committee).

Council President Sharp announced the **Third Reading of Ordinance Z-488-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending the Schedule of Uses of the Carmel Zoning Ordinance (Appendix A). There was no Council discussion. Council President Sharp called for the question. **Ordinance Z-488-06** was adopted 6-0.

**Third Reading of Ordinance Z-489-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Rezoning District Classification, Rezoning the Property Located Southwest of the Intersection of Main Street and Old Meridian Street from Old Meridian/Special Use (OM/SU) and Old Meridian/Single Family Attached (OM/SFA) to the Old Meridian Mixed Use (OM/MU) Classification (Centex Homes-Old Meridian); Sponsor: Councilor Glaser. (Remains in the LUAC Committee).

Council President Sharp announced the **Second Reading of Ordinance Z-490-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending the Michigan Road Overlay Zone in the Carmel Zoning Ordinance (ZO Chapter 23C). There was no Council discussion. Council President Sharp called for the question. **Ordinance Z-490-06** was adopted 6-0.

## **PUBLIC HEARINGS**

Council President Sharp announced the **First Reading of Ordinance Z-491-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Fortune Planned Unit Development District. Councilor Rattermann made a motion to move this item into business. Councilor Carter seconded. Councilor Rattermann referred to Charlie Frankenberger, Attorney, Nelson & Frankenberger, 3105 East 98<sup>th</sup> Street, Suite 170, Indianapolis, Indiana 46280, for a presentation to Council. Also in attendance was Bruce Breeden and land owners Tom Neal, Wendy Fortune and Mark and Becky Herbison. Also representing The Indiana Land Development was Paul Shoopman.

The following individual expressed concerns regarding Ordinance Z-491-06:

Joe Shumaker

14505 Baldwin Lane, Carmel, IN 46032

The following individuals spoke in favor of Ordinance Z-491-06:

Ronnie Lynn  
Sara Pechous

7326 N. Layman, Indianapolis, IN 46250  
5202 Sherwood Court, Carmel, IN 46033

The following individuals spoke in opposition to Ordinance Z-491-06:

Marilyn Anderson (attachment 1)	3884 Shelborne Court, Carmel, IN 46032
Henry Leopold	11451 Sutton Place Drive East, Carmel, IN 46032
Nadine Baker (attachment 2)	2495 Durbin Drive, Carmel, IN 46032
Tony Papay	2030 W. 136 <sup>th</sup> Street, Carmel, IN 46032
Carol Hartman	12881 Shelborne Road, Carmel, IN 46033
Fred Yde	2117 Burning Tree Lane, Carmel, IN 46032
Brian Baker (attachment 3)	2495 Durbin Drive, Carmel, IN 46032
Dee Fox	11389 Royal Court, Carmel, IN 46032
Dr. John Smith	2885 W. 131 <sup>st</sup> Street, Carmel, IN 46032
Alan Peacock	13218 Lamana Place, Westfield, IN 46074

Council President Sharp announced at 8:05 p.m. that the Public Hearing would remain open. There was brief Council discussion. Paul Shoopman, 4550 W. 116<sup>th</sup> Street, Zionsville, IN 46077, addressed the Council. Council President Sharp referred Ordinance Z-491-06 to the Land Use, Annexation and Economic Development Committee for further review and consideration.

### **NEW BUSINESS**

There was none.

### **OTHER BUSINESS**

**Second Reading of Ordinance D-1782-05**; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05. This ordinance remains Tabled.

### **ANNOUNCEMENTS**

There were none.

### **EXECUTION OF DOCUMENTS**

Mayor Brainard adjourned the meeting at 8:13 p.m.

### **ADJOURNMENT**

Respectfully submitted,

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Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

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Mayor James Brainard

ATTEST:

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Clerk-Treasurer Diana L. Cordray, IAMC